

**REMARKS**

Upon entry of the instant Amendment, claims 1-21 are pending. Applicants gratefully acknowledge that claim 10 was indicated to be allowable if amended into independent form and to include all the limitation of the base claim and any intervening claims. Claim 10 has been so amended and thus should be allowable. Claims 1, 6, and 14 have been amended, and claim 21 has been added, to more particularly point out Applicants' invention.

Claims 1-5, 14, 17, and 19-20 have been rejected under 35 U.S.C. § 103 as being unpatentable over Swartz et al., U.S. Patent No. 6,330,244 B1 ("Swartz") in view of Naudus, U.S. Patent No. 6,259,691 ("Naudus"). Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Swartz or Naudus, either singly or in combination. As described in the Specification, and in response to previous Official Actions, one aspect of the invention relates to a combined ToL-PBX system which can support both ToL telephony and TFA or "Glass Phone" telephony. ToL telephony that uses local area networks may be based on the H.323 Recommendation and employs a server or gatekeeper that may gradually replace PBXs. Telephony feature access (TFA) telephony employs a TFA or "glass phone" device also coupled to the local area network, but which receives its call processing through the TFA controller on the PBX. That is, in such a system, both ToL telephones and glass phones are coupled to a same local area network but receive call processing from independent entities, i.e., the ToL gatekeeper and the PBX. A problem in such a system is that the ToL gatekeeper is not aware of TFA calls processed by the PBX and their bandwidth usage. Embodiments of the present invention, however, allow the TFA bandwidth usage by one of the call processing entities to be accounted-for by the other.

Thus, claim 1 has been amended to recite "means associated with said server for accounting for bandwidth requirements of said one or more telephony

devices operably coupled to said TFA gateway on said LAN and for calls for which said server has not performed said call processing when processing calls for said one or more second telephony devices;" claim 6 has been amended to recite "said ToL server accounting for PBX user bandwidth usage when processing a ToL call;" and claim 14 has been amended to recite "wherein said ToL gatekeeper is adapted to account for PBX user bandwidth usage on said LAN when processing a ToL call."

In contrast, neither Swartz nor Naudus have anything to do with such a system. Swartz provides a system that includes a LAN and a PBX. However, if anything, Swartz appears representative of the problem solved by the present invention: Even assuming that Swartz provides glass phones in its system, Swartz has nothing to do with call processing on a LAN by a server and a PBX. Indeed, as acknowledged in the Official Action, Swartz does not "teach the server configured to provide call processing, to monitor bandwidth usage of calls it processed, including means for accounting for bandwidth requirements of telephony devices coupled to the gateway for which the server has not performed call processing..." Because Swartz does not relate to a PBX and a server (or other LAN entity) both providing call processing for devices coupled to the LAN, it is clear that Swartz does not even recognize the problem solved by the present invention.

Moreover, none of these features, and certainly not the invention as a whole, are taught, suggested, or implied by Naudus. Naudus relates merely to a system for providing DTMF tones in an Internet telephony system. However, like Swartz, Naudus does not relate to a PBX and a server (or other LAN entity) both providing call processing for devices coupled to the LAN. Thus, even in combination, the references do not teach, suggest, or imply a system in accordance with the present invention.

Furthermore, Applicants respectfully disagree that Applicant has merely recited an "intended use." Indeed, Applicants claims explicitly recite a TFA gateway or PBX adapted to handle call signaling on the LAN, as well as a ToL server adapted to

handle call signaling on the LAN. None of the references cited by the Examiner even hints that such a network configuration, i.e., structure, is possible or even desirable. Moreover, since the prior art contains no hint of such a network configuration, it likewise does not teach the functions claimed.

In addition, while Applicants agree that "a reconstruction is proper" when "it takes into account only knowledge which was within the level of ordinary skill in the art at the time the invention was claimed," in the instant case, it appears that since a network configuration as recited in the claims is nowhere found in the cited art, a conclusion of obviousness could only have come from Applicants' very disclosure. That is, since neither Swartz nor Naudus even recognize the problem solved by the present invention, it appears to Applicants that their own disclosure is being used as the sole motivation to combine these disparate references. Because the problem solved by the present invention is not even recognized in the prior art, Applicants respectfully submit that there can be no motivation to combine such references. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

Claims 6-9, 11-13, 15-16, and 18 have been rejected under 35 U.S.C. § 103 as being unpatentable over Swartz in view of Naudus, and further in view of Medhat et al., U.S. Patent No. 6,314,103 ("Medhat"). Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Swartz, Naudus, or Medhat, either singly or in combination. Swartz and Naudus have been discussed above. Medhat is relied on for allegedly teaching bandwidth allocation. However, like Swartz and Naudus, Medhat has nothing whatsoever to do with the invention of the underlying claims. As such, its combination with them cannot render obvious the invention of these dependent claims. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

Claim 21 is similar to allowed Claim 10 and for reasons similar to those discussed above, Applicants respectfully submit that claim 21 is likewise allowable.

For all of the above reasons, Applicants respectfully submit that the application is

Serial No.: 09/189,112

Attorney Docket No.: 98P7917US

in condition for allowance, which allowance is earnestly solicited.

Respectfully requested,

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